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GRAFTON, MA

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TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
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JUN 08 2022
Zoning Board of Appeals

JUNE 3, 2022

ZONING DETERMINATION

Zoning Board of Appeals Grafton

ZBA Case Number 886/2022

SITE INFORMATION

STREET AND NUMBER 50 & 52 POTTER HILL ROAD

ASSESSOR'S MAP(S) 072.0-0000-0022.0 / 072.0-0000-0027.0

LOT SIZE _____ FRONTAGE _____

CURRENT USE 50 POTTER HILL ROAD SINGLE FAMILY DWELLING ON A NON-CONFORMING LOT

PROPOSED USE 50 POTTER HILL ROAD SINGLE FAMILY DWELLING ON CONFORMING LOT, IN THE FORM OF A VARIANCE

TO BE COMPLETED BY THE ZONING ENFORCEMENT OFFICER

The project is zoned (check all that apply)

- | | | |
|---|--------------------------------|-------------------------------|
| A - Agricultural | RMF - Residential Multi-Family | I - Industrial |
| <input checked="" type="checkbox"/> R40 - Residential 40,000 sf | NB - Neighborhood Business | OLI - Office / Light Industry |
| R20 - Residential 20,000 sf | CB - Community Business | FP - Flood Plain |

Overlay Districts

- | | |
|---|---|
| WSP0 - Water Supply Protection Overlay District | FSGOD - Fisherville Smart Growth Overlay District |
| CDO - Campus Development Overlay District | PDSOD - 43D Priority Development Overlay District |

The proposed use is:

- ☐ Permitted in the zone(s)
- ☐ Conditionally permitted in the zone(s)
- ☐ Not permitted in the zone(s)

The proposal must be heard by the following Board:

- ☐ Planning Board
- ☐ Special Permit
- ☐ Site Plan Approval Only
- ☒ Other VARIANCE

☒ Zoning Board of Appeals

50 & 52 Potter Hill Road in my opinion are non-buildable lots on the account of infectious invalidity

Infectious invalidity is a principle where a parcel of land that itself complies with zoning requirements is considered to be in violation of zoning laws because of the circumstances of its creation. The situation arises when a parcel of land is improperly divided into two lots, resulting in one of the new lot conforming to the applicable zoning standards and one lot not conforming. The legal principle is applied resulting in the conforming lot being deemed to be infected because of the illegal condition created on the other lot and the creation of the two lots is deemed invalid. Infectious invalidity affects both zoning and property ownership rights.

Zoning Enforcement Officer

Robert D. Berger

Date:

6/3/2022